THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.8585 of 2006

Date 22.02.2007

Between:
M.Giddanna.

..... PETITIONER

AND

The Superintendent of Police, Kurnool, Kurnool District & others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.8585 of 2006

O R D E R:

The petitioner filed this writ petition alleging that the second respondent-S.H.O. Taluk Police Station, Kurnool had unnecessarily sent the police constables to his house and they had forcibly entered into his house, abused his mother in filthy language and forcibly took her to the police station. It is stated that the second respondent beat his brother indiscriminately with lathi and caused injuries to his right arm and on the left side of his chest and also caused injuries to his right leg. The petitioner states that since the second respondent had acted highhandedly and illegally interfered with his personal liberties, action is required to be taken against the second respondent.

Counter has been filed by the second respondent denying all the allegations made in para 4 of the writ petition. It is further stated that the petitioner, in fact, had lodged a complaint with the first respondent on 08-04-2006, based on which, the first respondent directed the Inspector of Police, Kurnool Taluk Circle, to conduct enquiry.

When serious allegations are made against the second respondent, it is just and proper for the first respondent-Superintendent of Police to file counter. But, however, the learned Government Pleader for Home appearing for respondents 1 and 2 submits that pursuant to the complaint made against the second respondent on 08-04-2006, the first respondent directed to conduct enquiry against the second respondent/D.Maheswara Reddy (S.I. of Police), wherein it was revealed that there were disputes over the house site portion belonging to the third respondent and in this

connection, the second respondent advised the petitioner not to indulge in the act of quarreling and to settle the issue amicably and that the petitioner aggrieved against, approached the leaders of MRPS with a view to give colour to the second respondent.

In view of the disputed questions of fact, I am not inclined to express any opinion on the merits of the case. The Writ Petition is accordingly dismissed. However, if really, there was highhanded action on the part of the second respondent/Sub-Inspector of Police and if impartial enquiry was not conducted pursuant to the directions of the first respondent/Superintendent of Police, it is always open to the petitioner to file a private complaint against the second respondent to take appropriate action against him. No costs.

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22-02-2007

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